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May 24, 2011

**VIA EMAIL AND U.S. MAIL**

Ann M. Prichard, Chief  
Pesticide Registration Branch  
California Department of Pesticide Regulation  
1001 "T" Street  
Sacramento, California 95812-4015

**RE: *HEXAZINONE***

Dear Ms. Prichard:

On behalf of our client E.I. du Pont de Nemours and Company ("DuPont"), we are submitting the attached "Post-Hearing Supplement to Information and Report concerning Hexazinone" ("Supplement"). The Supplement responds to questions posed by the Subcommittee of the Pesticide Registration and Evaluation Committee ("Subcommittee") during the May 9, 2011 public hearing on this matter.

In submitting these materials, we are reminded that the charge to the Subcommittee under Section 13150 of the Food & Agricultural Code, as stated by the chairperson in her opening remarks, was to make one or more of the following findings:

- "(1) That [hexazinone] has or has not polluted or does or does not threaten to pollute the ground waters of the state;<sup>1</sup>
- (2) That the agricultural use of pesticide products containing hexazinone can be modified so that there is a high probability that hexazinone would not pollute the ground water of the state; and/or
- (3) That such modification of use or cancellation of the pesticide products will cause severe economic hardship on the state's agricultural industry and that there are no alternative products or practices that can be effectively used so that there is a high probability that pollution of ground water will not occur."

It is now clear from all of the evidence submitted on this matter, which constitutes the administrative record, that *hexazinone has not polluted groundwaters of the state*. DuPont

<sup>1</sup> "Pollution," as the chairperson noted, is defined under Section 13142(j) to mean "the introduction into the groundwaters of the state of an active ingredient, other specified product, or degradation product on an active ingredient of a pesticide above a level, with an adequate margin of safety, that does not cause adverse health effects."

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demonstrated in the Information and Report the amounts in which hexazinone has been detected are less than one-thousandth of the amount, measured by concentration, US EPA has determined is safe for human consumption in drinking water, assuming a lifetime of exposure at that level. More specifically, as we noted in our April 11 letter transmitting the Information and Report, the "Lifetime Health Advisory Level" or "HAL" is 400 µg/l, and the *highest* level at which hexazinone has been detected is 0.274 µg/l. The difference between these amounts, over 1000 fold, constitutes an "adequate margin of safety" within the meaning of Section 13142(j).

DuPont further has demonstrated that *hexazinone does not threaten to pollute groundwater* within the meaning of the statute. DuPont demonstrated in the April 11 submission that (a) hexazinone has been on the market for many years, its sales are consistent and not increasing, and there is no pattern of increasing concentrations in the limited monitoring well data; and (b) hexazinone degrades in soil and will not accumulate and reach a level of public health concern.

The presentations at the May 9 public hearing reinforced these conclusions, and there is no information that would support any other finding, expressed in the alternative at paragraph (1) above. Accordingly, there is no reason for the Subcommittee to address either of the findings at paragraphs (2) or (3) above.

As always, DuPont is eager to work with the Department as a matter of product stewardship to promote health, safety and environmental goals in the use of its products, including hexazinone. We do not believe, however, that any further action under the PCPA is required by the "detects" that gave rise to this hearing.

Indeed, the information that DuPont presented at the hearing, and in this submission, demonstrates that the PCPA is working, and that its goals are being met with respect to hexazinone: groundwater monitoring studies have been conducted pursuant to the Act; the studies measured detection, but at levels far less than would constitute "pollution," and further information has been submitted to indicate that hexazinone does not "threaten to pollute" groundwater within the meaning of the Act. For this reason, no further action is appropriate or authorized under the Act.

We look forward to the next meeting on this matter, presently scheduled for June 7, 2011. Dr. Aldos Barefoot from DuPont will attend the meeting, in case the Subcommittee members have further questions.

Respectfully submitted,



Stanley W. Landfair  
Counsel for E.I. du Pont de Nemours and  
Company